

REMARKS

No new matter is added by this amendment. The present application was filed on September 12, 2003 with original claims 1-65. In amendment dated March 17, 2005, claims 1, 33 and 34 were amended and new claims 66 and 67 were added. The claims remaining in consideration are claims 1-67 of which claims 1 and 33 are independent claims. Reconsideration is respectfully requested.

The present invention relates to a remote device and a method for registering player attendance at a predetermined or predefined marketing event.

Claims 1-17, 24-48, and 56-67 were rejected under 35 USC §102(b) as being anticipated by US Patent 6,024,641 issued to Robert A. Sarno on February 15, 2000 ("Sarno"). This rejection is respectfully traversed.

As discussed above, independent claim 1 sets forth a remote system for use with a gaming system for establishing attendance of a player at an event. The remote device receives identification information input by a user *in response to the player being in attendance at the event*. The attendance information is sent to a host computer and stored in a database over a remote network interface.

Independent 33 sets forth a method for establishing attendance of a player at an event. The method includes the steps of establishing player identification information at the remote device *in response to the player being in attendance at the event* and receiving the player identification information from the remote device at a host computer. The player's attendance is then stored in a database located at the host computer.

Sarno discloses a method, apparatus, and system for playing and verifying the results of a lottery, lottery-type, or other game played by end-users who are *remotely located*. One of the problems at which the Sarno system is aimed arises from the use of providing access to games at remote locations though wide area networks, the internet or World Wide Web. Sarno describes the problem as:

it is virtually impossible to assure players the virtual
casino game is fair and has not been "virtually"
manipulated or fixed in some manner. (Column 1, lines 59-
63.

Through use of a wide area network or the Internet, the Sarno system allows the "user" to register and to make selections (such as lottery numbers) in order to play the game. Specifically, the Sarno system does not require "attendance" at any event. In fact,

it is aimed at allowing users to register and/or play games remotely. Since Sarno does not require the player ("user") to attend an event, it does not and cannot allow a user to enter their attendance using a remote device, nor store their attendance in a database as required by independent claims 1 and 33.

Additionally, not only does Sarno lack claim elements, it teaches away from tracking player attendance at an event, since it is specifically aimed at a gaming environment which allows players to play a game remotely.

Since Sarno does not include each and every limitation of independent claims 1 and 33, applicants respectfully asserts that the §102(b) rejection of independent claim 1 and 33 is improper and must be withdrawn.

Claims 2-17, 24-32, 34-48 and 56-67 are ultimately dependent upon allowable claim 1 or 33. Thus, for the reasons set forth above and based on their own merits, applicants respectfully assert that claims 2-17, 24-32, 34-48 and 56-67 are also allowable over Sarno.

Claims 18-24 and 49-55 were rejected under 35 USC §103(a) as being unpatentable over Sarno in view of Database Management System, 1998, McGraw Hill, ISBN 0-07-050775-9 ("Ramakrishnan"). This rejection is respectfully traversed.

The Examiner utilizes Ramakrishnan to teach the use of tables in a database. However, Ramakrishnan does not overcome the failings of Sarno. Therefore, for the reasons set forth and based on their own merits, applicants respectfully that claims 18-24 and 49-55 are allowable of Sarno and Ramakrishnan, singularly or in combination.

All of the Examiner's rejections and objections having been successfully traversed and/or made moot, applicants respectfully assert that the present application is now in condition for allowance. An early Notice of Allowance is solicited. If the Examiner believes that a telephone interview would be appropriate, please contact the undersigned at the number provided below.

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Serial No.: 10/661,140
Group Art Unit: 3713

Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789 in the name of Howard & Howard Attorneys.

Respectfully submitted

HOWARD & HOWARD ATTORNEYS, P.C.

June 30, 2006
Date

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